

GWOU ADMINISTRATIVE RECORD

SECTION TITLE:

GW-400-401-1.12



Department of Energy
Washington, DC 20585

January 2, 2004

Ms. Mimi Garstang
Missouri Department of Natural Resources
Division of Geology and Land Survey
P.O. Box 250
Rolla, Missouri 65402

Dear Ms Garstang:

This is in response to your December 1, 2003, letter concerning the draft *Record of Decision (ROD) for Final Remedial Action for the Groundwater Operable Unit (GWOU) at the Chemical Plant Area of the Weldon Spring Site*, dated September 2003. This letter addresses the overarching issues you raised; the Weldon Spring site staff will provide responses, through the regulatory process, to your specific comments.

I would, however, like to address your primary concern regarding the lack of details contained within the draft ROD itself. DOE believes that the level of detail requested by the Missouri Department of Natural Resources (MDNR) is more appropriate for the Remedial Design/Remedial Action (RD/RA) Work plan. Our position is consistent with the one taken by the U.S. Environmental Protection Agency (EPA). The EPA actually recommended that the level of detail found in the current draft ROD be decreased.

DOE has performed comprehensive investigations to understand the extent of contamination in the groundwater and the geology that dictates groundwater flow. In addition, we examined numerous technologies with the potential to clean up the residual contaminants and implemented two of them on a pilot scale. We also extensively evaluated the potential risk to future users. DOE has concluded that it is not effective to actively remediate the remaining contaminants and that given the current land use the levels of contamination present little risk to human health or the environment.

As discussed in the draft ROD, DOE believes that monitored natural attenuation is the best remedy for groundwater at this site. The system of monitoring wells we have used have been effective in monitoring subsurface contamination and should continue to provide a high level of confidence in our ability to protect human health and the environment. To place our actions in perspective, I suggest that we work together to compare the level of knowledge and protection at the Weldon Spring site with those of other sites in the State of Missouri.

Current laws provide States a role in the remediation of contamination on Federal property. The State of Missouri, whether a signatory to the Federal Facility Agreement or not, has those rights. In the past, both EPA and DOE have included the State of Missouri in decision-making at the Weldon Spring Site. In fact, DOE has provided funds



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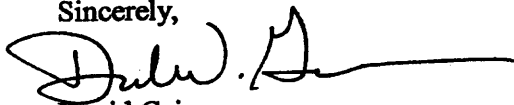
exceeding \$5M under a grant to the State of Missouri for their participation in the remediation of the site. DOE is willing to work with the State of Missouri to clarify, in writing, future roles and responsibilities. We did review the compromise agreement brokered between the State of Missouri and EPA and found it unacceptable. Our preference is to start with the original agreement crafted by EPA; we believe that agreement was closer to satisfying the initial conditions identified by all three agencies.

Over the past 17 years DOE has worked closely with the Missouri Department of Conservation (MDC). Together we have been able to both cleanup and improve the status of the site and MDC's properties. Specifically MDC has: provided unconditional access to its properties for monitoring and remedial activities and used science rather than politics to determine appropriate signage. DOE has constructed wetlands on MDC properties; initiated over 200 acres of prairie planting on both DOE and MDC properties; converted a borrow area sedimentation basin to a fishing lake; and conveyed ownership of the borrow area maintenance facility. Jointly we have worked to construct a hike and bike trail connecting the Katy Trail to the August A. Busch Memorial Conservation Area.

In terms of general information to the public, DOE has held a series of public workshops in St. Charles County to discuss long-term surveillance and maintenance issues. We have two websites available and have an on site interpretive center. The DOE has provided funding to the St. Charles County Division of Environmental Quality, the Weldon Spring Citizen's Commission, and the Francis Howell School District. That funding has enabled these organizations to acquire independent assurance of the quality of work being performed at the site and provide information to their citizens/community in a format of their choice.

Finally, we continue to await your response to our requests for assistance in implementing institutional controls on State owned properties. Given the continued federal and state control of the properties, placement on the *Missouri Registry* would appear to add little value. The site is already discussed in the *Missouri Registry Annual Report* and still remains on the National Priorities List. Our draft Long Term Surveillance and Maintenance Plan did outline a number of legally enforceable controls that could serve as a layer of protection beyond the physical remedies already installed; Appendix E proposed specific language for the DOE properties. If you have any questions, please contact me at 202-586-8324.

Sincerely,



David Geiser

Director, Office of Policy and Site Transition

cc: Pam Thompson, DOE-WSSRAP
Bob Geller, MDNR
Dan Wall, EPA Region VII
Weldon Spring Citizens Commission